

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

CAROL NELSON, individually and as joint tenant;
and STANLEY NELSON, individually and as joint
tenant,

Defendants.

Adv. Pro. No. 10-04377

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

CAROL NELSON,

Defendant,

Adv. Pro. No. 10-04658

ORDER DENYING DEFENDANTS' ADJOURNMENT REQUEST

WHEREAS, on January 18, 2019, the Court entered an Order scheduling trial date for
May 8, 2019, [Adv. Pro. No. 10-4377, ECF No. 126; Adv. Pro. No. 10-4658, ECF No. 130];

WHEREAS, on April 1, 2019, Defendants requested the Court to adjourn the May 8, 2019 trial date due to Defendants' multiple medical conditions, [Adv. Pro. No. 10-4377, ECF No. 130; Adv. Pro. No. 10-4658, ECF No. 133];

WHEREAS, on April 2, 2019, the Trustee submitted an opposition to Defendants' adjournment request, [Adv. Pro. No. 10-4377, ECF No. 131; Adv. Pro. No. 10-4658, ECF No. 134];

WHEREAS, on April 3, 2019, Defendants replied to the Trustee's opposition, [Adv. Pro. No. 10-4377, ECF No. 133; Adv. Pro. No. 10-4658, ECF No. 136];

WHEREAS, the Court heard argument on Defendants' adjournment request on April 18, 2019 (the "Hearing") and, by bench ruling, denied Defendants' adjournment request and ruled that the trial would be going forward on May 8, 2019;

WHEREAS, during the Hearing the Court instructed Defendants' counsel that, if Mr. Nelson is going to offer testimony, he can either appear at trial or submit a declaration to preserve his testimony pertaining to the trial to be submitted to Trustee's counsel within ten (10) days of the Hearing;

WHEREAS, the Court afforded the Defendants the opportunity to participate in the trial either by (i) telephonic participation or (ii) watching a live feed of the Courtroom in an adjoining room within the United States Courthouse at their election, with advance notice to the Court, for the convenience of the Defendants.

For the reasons stated on the record on April 18, 2019, it is hereby **ORDERED** that,

1. Defendants' request to adjourn trial is denied;

2. Provided Mr. Nelson intends to offer trial testimony, Defendants' counsel shall submit a declaration from Mr. Nelson setting forth his testimony pertaining to the trial to Trustee's counsel on or before April 29, 2019;

3. Provided Mr. Nelson intends to offer trial testimony, Trustee's counsel shall have the opportunity to cross-examine Mr. Nelson by trial deposition reasonably in advance of trial at a convenient location selected by Mr. Nelson **unless otherwise ordered by the Court**; and [SMB: 4/22/19]

4. Trial in the above-captioned cases will go forward as scheduled on May 8, 2019 at **10:00 a.m.**

Dated: New York, New York
April 22nd, 2019

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE